

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

MARTINEZ Jr., Rafael

YOB: 1993

United States Citizen

Defendant(s)

Case No.

M-15-1225-M

Clerk of Court

JUL 23 2015

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 7/22/2015 in the county of Starr in the
Southern District of Texas, the defendant(s) violated:

Code Section

21 USC 841 (a)(1)

Offense Description

Knowingly and intentionally possess,
with intent to distribute approximately
230.0 kilograms of marijuana, a Schedule
I Controlled Substance under the
Controlled Substance Act.

This criminal complaint is based on these facts:

SEE ATTACHMENT A

☒ Continued on the attached sheet.

Approved
[Signature]

Sworn to before me and signed in my presence.

Date: 7/23/2015

City and state: McAllen, Texas

[Signature]

Complainant's signature

Erik Lambel, Special Agent, DEA

Printed name and title

[Signature]

Judge's signature

Dorina Ramos, U.S. Magistrate Judge

Printed name and title

Attachment A

On July 22, 2015, United States Border Patrol (USBP) Agents Adrian Gonzalez and Omar Vidal were assigned to the Rio Grande City Station conducting surveillance near Garciasville, Texas, when they heard over their Border Patrol (BP) service radio that a possible drug load had gotten away near Garciasville. At that point, USBP Agents Gonzalez and Vidal traveled to the area to gather intelligence on the possible load location of the contraband. They drove south on an unnamed road known as "Mexican House Road", a road heavily used by drug traffickers to load drugs from the Rio Grande River. As Agents Gonzalez and Vidal drove south they noticed a vehicle driving north on the same road with its lights out. Agents Gonzalez and Vidal made a u-turn and followed the vehicle. The vehicle traveled a short distance before coming to a rolling stop off the dirt road. Once Agent Vidal approached the vehicle, he observed several bundles wrapped in brown tape containing marijuana and that the cab area was empty. Agent Vidal advised nearby units that the driver had bailed out and the bed of the pick-up truck had bundles containing marijuana. The six bundles and one brick of marijuana were recovered from the Ford Ranger. Agents searched the inside of the vehicle and found an abandoned LG cell phone. Agents also noticed a shoe impression less than five feet from the driver side of the vehicle pointing away from the vehicle. A few minutes later, Agent Montemayor arrived to the scene with his service canine to conduct a free air sniff to help locate the driver. Agent Montemayor advised Agent Gonzalez that his service canine was alerted to a brushy area approximately 75 yards away from the vehicle. Agents Montemayor and Gonzalez located a subject, later identified as Rafael MARTINEZ Jr., hiding underneath thick brush. Photographs were taken of the shoe impression found near the vehicle with the shoes that MARTINEZ Jr. wore and were able to positively match his shoe print with the shoe impression. USBP Agents observed that the abandoned cell phone found inside the Ford Ranger had personal pictures of MARTINEZ Jr. located in the photo gallery section of the cell phone. MARTINEZ Jr., the Ford Ranger, and the 230 kgs of marijuana were transported to the Rio Grande City Border Patrol Station for processing. When USBP Agents showed MARTINEZ Jr. the cell phone, MARTINEZ Jr. made a spontaneous utterance advising that the LG cell phone belonged to him. Agent Gonzalez read MARTINEZ Jr. his Miranda rights in his preferred language of English. MARTINEZ Jr. stated he understood his rights as they were read to him, but did not want to make a statement. All questions by USBP Agents were stopped at this time.

On July 22, 2015, DEA Special Agent Erik Lambel and George Negrete responded to the USBP Rio Grande City Station to investigate this incident and were advised of the details regarding the case. SA Lambel read Rafael MARTINEZ Jr. his Miranda rights as witnessed by SA Negrete. At this time MARTINEZ Jr. stated that he understood his rights and was willing to answer questions. MARTINEZ Jr. stated he was walking home from his aunt's house at 2:40 a.m. along a dirt road when he saw a USBP Agent vehicle follow a Ford Ranger. MARTINEZ Jr. stated he then ran away from both the USBP vehicle and the Ford Ranger because he was afraid and hid in the brush until the canine found him. MARTINEZ Jr. stated he was never inside the Ford Ranger and does not know how his cell phone got in there. MARTINEZ Jr. stated he did not see who was driving the vehicle just that the driver ran away into the brush wearing

dark clothing. Upon later questioning, MARTINEZ Jr. stated he was spotting for a vehicle loaded with drugs for \$150. All questioning was stopped when MARTINEZ Jr. had no further information to provide.